

Arlington Redevelopment Board Rules and Regulations



**Proposed Amendments
April 1, 2024**

AMEND RULE 18 as follows:

RULE 18: SIGN APPLICATIONS AND REVIEW PROCEDURES FOR ADMINISTRATIVE APPROVAL

~~Sign modifications on properties subject to Environmental Design Review (EDR) may be considered for administrative approval by the Director of Planning and Community Development provided the applicant demonstrates that the following criteria are met:~~

- ~~1. The ARB previously approved a sign through the Environmental Design Review Special Permit process or a prior sign permit was approved by Inspectional Services;~~
- ~~2. The sign(s) meet zoning requirements;~~
- ~~3. There are no known zoning or general bylaw violations outstanding on the property;~~
- ~~4. All of the following conditions are met:~~
 - ~~a. The same number or fewer signs are proposed;~~
 - ~~b. The same size or smaller sign(s) or sign area is proposed; and~~
 - ~~c. The sign(s) proposed is in the same locations as the existing sign(s);~~
- ~~5. The sign(s) illumination is the same illumination as for existing sign(s);~~
- ~~6. The new sign(s) are not internally illuminated;~~
- ~~7. The sign(s) are legible from the public way in the Director or their designees' opinion; and~~
- ~~8. There are not any sign(s) proposed for storefront windows.~~

~~If sign proposals do not meet all of the criteria above, then the applicant must submit a full Environmental Design Review application for the Redevelopment Board's review and approval. The Department of Planning and Community Development is not required to provide administrative approval and may at any time refer the application to the Board.~~

New signs and sign modifications that require a permanent sign permit as set forth in Section 6.2 of the Zoning Bylaw may be considered for administrative approval by the Director of Planning and Community Development provided the applicant demonstrates to the satisfaction of the Director that the following two criteria are met:

1. The sign(s) meet all zoning requirements, including but not limited to complying with all the applicable requirements for the signs as set forth in Section 6.2 of the Zoning Bylaw; and
2. There are no known zoning or general bylaw violations outstanding on the property.

If a sign proposal does not meet the two above criteria, the Director of Planning and Community Development may not approve the sign; instead, the applicant must submit a full application for the Redevelopment Board's review and approval.

The Department of Planning and Community Development is not required to provide administrative approval and may at any time refer a sign application to the Redevelopment Board. It shall refer the application to the Redevelopment Board if in the opinion of the Director of Planning and Community Development the sign is so unique, in such a prominent or important location, or would have such an effect on its immediate surroundings that review by the Redevelopment Board would be warranted.

Procedure: Submit a \$500 fee payable to the Town of Arlington and one copy of the following documents to the Department of Planning and Community Development

1. Photos of existing signs, if any, maintained on the premises;
2. Drawing of building facade indicating location of the proposed sign(s);
3. Drawing to scale of proposed sign(s) with dimensions and construction specifications, materials, mounting method, lighting, and wiring;
4. Cut sheet for any lighting; and
5. Photo simulation, perspectives, renderings, or other representations sufficient to show the nature of the proposed sign(s) and its effect on the immediate surroundings.

ADD RULE 20 as follows:

RULE 20: SITE PLAN REVIEW

A. Site Plan Review Overview

Site Plan Review is a process established by the Town of Arlington Zoning Bylaw (Zoning Bylaw) by which the Arlington Redevelopment Board (Redevelopment Board) reviews and potentially imposes conditions on an As of Right Development that may include, but not be limited to, matters such as vehicle access and circulation on a site, architectural design of a building, and screening of adjacent properties, prior to the issuance of a building permit. It is an opportunity to make sure the development will comply with all requirements of the Zoning Bylaw, to understand its impacts, and for the Redevelopment Board to impose reasonable conditions that it deems necessary to ensure the health, safety, and general welfare of the community.

The Redevelopment Board will review a Site Plan in accordance with the Zoning Bylaw.

More information on Site Plan Review in the Zoning Bylaw, including the definitions of “As of Right Development” and “Site Plan Review” in Section 2 of the Zoning Bylaw, as well as the section(s) of the Zoning Bylaw requiring Site Plan Review for the project being proposed.

B. Site Plan Review Pre-Application Meeting

For projects requiring Site Plan Review, a Pre-Application Meeting with staff of the Arlington Department of Planning and Community Development (DPCD) is mandatory for all projects of more than four units and optional (but recommended) for all projects of four or fewer units. The Pre-Application Meeting shall be scheduled through DPCD.

The purposes of the Pre-Application Meeting are to familiarize reviewing staff with the basics of the project, to provide feedback and general recommendations before formal filing of an application for Site Plan Review, and to assist the Applicant in understanding expectations, anticipating areas of concern, and minimizing unnecessary expenses. The Pre-Application Meeting may also help ensure the application will be complete and include all necessary materials and information. Depending on the project scope, town staff participating in the meeting may include representatives of various departments within the town.

At the Pre-Application Meeting, the Applicant will be expected to discuss at least the following aspects of its proposed development:

1. The parcel(s) and the address of the site.
2. The existing conditions on the site and any easements that exist:
 - a. What is on the property now? Is it vacant or already developed? Are there existing buildings? If so, will they be redeveloped or replaced?
 - b. Are there wetlands on or near the site?
 - c. Is the land flat? Sloped?
3. What is around the site? What are the surrounding streets? Where are the nearby intersections? What is located on abutting land?

4. What zoning district(s) is the site located within?
5. What does the Applicant propose to build on the site, where will the buildings be located, and what will the proposed buildings look like? How will it compare to Arlington's design guidelines, if applicable?
6. How many residential units will be provided? What will be their location and sizes?
7. Will there be affordable housing units? If so, how many units will be affordable, where will those units be located, and what will be their sizes?
8. Will there be any commercial units? If so, what will be their location and sizes?
9. What are the dimensional and density requirements of the district? Will the project comply?
10. How many parking spaces will be required and how many does the Applicant propose? Where will parking spaces be located? How will traffic move in and out of the site?
11. Where will bicycle parking, if any is required, be located?
12. Where will pedestrians walk on the site?
13. What stormwater management is proposed for the site?
14. Where does the Applicant plan to put signs if any? Outdoor lighting?
15. What does the Applicant plan to provide for landscaping?

If a project has an affordable housing component, DPCD may ask the Applicant to appear before the Trustees of the Arlington Affordable Housing Trust (AHT) and obtain a letter from the AHT stating that the affordable housing component of the plan as proposed is satisfactory under the Zoning Bylaw and state requirements, or DPCD may provide such a letter.

C. Site Plan Review Application

A completed Site Plan Review Application, available from DPCD, is required. The application will require information discussed at the pre-application meeting and additional information to allow the proposal to be reviewed by the Redevelopment Board.

At a minimum, the application shall comply with the requirements of Rule 14 of these Rules and Regulations. If the project has an affordable housing component, the application must include a letter from AHT or DPCD stating that the affordable housing component of the plan is satisfactory.

The fee to accompany the application is set forth in Rule 12 of these Rules and Regulations.

D. Site Plan Review Timetable and Review Process

Site Plan Reviews before the Redevelopment Board are subject to the following timelines.

Within 10 days of receipt of an application, copies of the application shall be transmitted by DPCD to Inspectional Services. Following staff evaluation of the proposal, DPCD may determine that any of the following Boards, Departments, or Commissions need to be notified as part of project review: Board of Health; Conservation Commission; Public Works; Engineering; Historical Commission; Historic Districts Commission; Fire Department; Police Department; and Zoning Board of Appeals. All other boards, commissions, or departments will be given 35 days to respond. Failure to respond will be deemed to be lack of opposition.

The notification requirements of Rule 11 of these Rules and Regulations shall be completed before the Redevelopment Board initiates Site Plan Review on an application.

After such notification:

1. The Redevelopment Board shall hold a public hearing on the application. The hearing must start within 65 days of an application being filed.
2. Once the hearing has commenced, it may be continued. If continued beyond 90 days after the first day of hearings, the applicant must agree to continue the hearing.
3. Final action must be taken by the Redevelopment Board within 90 days of the hearing's closure. A majority vote of the five members of the Redevelopment Board is required to approve or disapprove the Site Plan, including any conditions placed on the approval. Final action shall include one of the following:
 - Approval as filed. Approval based on a determination that the application complies with the Zoning Bylaw and these Rules and Regulations.
 - Approval with conditions. Approval of the application subject to any reasonable conditions, modifications, and restrictions the Redevelopment Board may deem necessary to ensure the health, safety, and general welfare of the community and for compliance with the Zoning Bylaw and these Rules and Regulations.
 - Disapproval. A disapproval of the application for noncompliance with the Zoning Bylaw, or determination that the Site Plan, although proper in form, is so intrusive on the interests of the public in one or more aspects regulated by the Zoning Bylaw, that no reasonable terms or conditions can be devised to adequately protect the interests of the public. An application may also be disapproved if it was incomplete or inaccurate and was not thereafter completed or corrected within a reasonable time after the Redevelopment Board requested the applicant to do so.
4. Within 14 days of the Board's final action, the Board must file a record of its Decision in the Town Clerk's Office.
5. Site Plan approval or disapproval, or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.
6. If a decision is not reached within 90 days after closure of the hearing, the applicant may notify the Town Clerk and abutters within 14 days after the 90th day that it is seeking approval of its application for failure of the Redevelopment Board to act on its application within 90 days, or any extended time period beyond the 90 days, pursuant to M.G.L. c.40A, § 9, and comply with the requirements set forth therein.

E. Appeals

There is no administrative appeal of the decision of the Redevelopment Board on Site Plan Review. Appeal is to court.

F. Lapse and Extension of an Approval

An approval granted under Site Plan Review shall lapse after three years from its issuance if substantial use or construction has not commenced within the three-year period, which shall not include the time required to pursue or await the determination of an appeal of the approval. Upon written application by the grantee, the Redevelopment Board in its discretion may extend the rights to exercise the site plan review approval for a period not to exceed two years for good cause shown. An application for such an extension shall be filed with DPCD prior to the expiration of the three-year period and with enough time to provide proper notice of the requested extension at a regularly scheduled Redevelopment Board meeting. The rights to an expired site plan review approval may only be reestablished after the filing of a new application for review and the holding of a new public hearing, subject to the discretion of the Redevelopment Board.